

RESOLUTION NO. 26-_____

A RESOLUTION SETTING FORTH THE FINDINGS OF FACT AND CONCLUSIONS OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PERTAINING TO THE DENIAL OF THE REQUEST FOR REZONING FROM GOVERNMENT MANAGED LANDS – INSTITUTIONAL, GML(I), AND SINGLE-FAMILY MOBILE HOME, TR-1, TO RECREATIONAL VEHICLE PARK, RVP, ON PROPERTY OWNED BY TURTLE MOUND VENTURES LLC.

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, as follows:

STATEMENT OF THE CASE AND FACTS

Turtle Mound Ventures LLC, the “Applicant”, submitted a rezoning request seeking to change the zoning classification of its property located in Merritt Island, Florida, the “Property.”¹ Specifically, the rezoning request sought to change the Property’s zoning from Government Managed Lands – Institutional, “GML(I)”, and Single-Family Mobile Home, “TR-1”, to Recreational Vehicle Park, “RVP.” The rezoning request was brought before the North Merritt Island Dependent Special District Board on April 9, 2026, where the request was unanimously denied. The request then went to the Planning and Zoning Board where it was denied in a 10:1 vote. On May 7, 2026, the Board of County Commissioners of Brevard County, Florida, the “County Commission”, continued the hearing at the request of the Applicant to the July 9, 2026, Zoning meeting. At the public hearing on July 9, 2026, the County Commission reviewed evidence, heard comments and testimony from the Applicant and its legal counsel, members of the public, and Brevard County staff, and ultimately denied the request in a unanimous vote.

The record is attached hereto as Exhibit “A.” It consists of documents maintained by the Brevard County Planning and Development Department as part of the official application file and provided to the County Commission, relevant sections of the Brevard County Code of Ordinances, relevant provisions of the Brevard County Comprehensive Plan, and a transcript from the County Commission’s public hearing on July 9, 2026. The pages will

¹A companion application was also made by the Applicant seeking a Small Scale Comprehensive Plan Amendment (SSCA) to change the Future Land Use Designation from Public Facilities (PUB), Residential 1 (RES 1), and Residential 2-Directive (RES 2 DIR) to Community Commercial (CC). This SSCA was also denied by the Board of County Commissioners.

be referred to as “R- _____”, and the Transcript from the July 9, 2026, County Commission Zoning meeting will be referred to as “Transcript - _____.”

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The Property is comprised of four parcels that were combined under one deed in August 2025. TR-1 was established as the zoning classification on the northern parcel (Tax ID 2315413) through Resolution Z-3725 on August 8, 1974. R-54. The original zoning for this parcel upon adoption of the Brevard County Zoning Regulations on May 22, 1958, was TR-3. *Id.* The next parcel (Tax ID 2316451) was established as GML(I) through Resolution Z-1021b on March 9, 1999. *Id.* The original zoning for this parcel upon adoption of the Brevard County Zoning Regulations on May 22, 1958, was AU. *Id.* The remaining parcels (Tax ID 2316452 and 2316247) were established as GML(I) through Resolution Z-10198e on January 28, 1999. *Id.* The original zoning for these parcels upon adoption of the Brevard County Zoning Regulations on May 22, 1958, was AU. *Id.* The Applicant is seeking to change the zoning classification of the Property, which contains 28.37 acres, from GML(I) and TR-1 to Recreational Vehicle Park, or “RVP.” R-53.

According to the Staff Comments,

RVP recreational vehicle park zoning classification encompasses lands devoted for recreation vehicle, tent, park trailer and cabin uses together with such ancillary structures as allowed to promote a recreational type atmosphere for both park owners and/or their guests. Minimum park size shall be five acres. Recreational vehicle sites shall have a minimum area of 2,000 square feet, and shall have a minimum width of 30 feet and minimum depth of 60 feet.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

The GML zoning classification encompasses government managed lands to recognize the presence of lands and facilities which are managed by federal, state and local government, special districts, nongovernmental organizations (NGOs) providing economic, environmental and/or quality of life benefits to the county, electric, natural gas, water and wastewater utilities that are either publicly owned or regulated by the Public Service Commission, and related entities. GML(I) zoning classification permits office and institutional uses.

R-54-56.

The Property has three (3) different Future Land Use designations: RES 1, RES 2 DIR, and PUB. R-57. The existing GML(I) zoning classification is consistent with the PUB Future Land Use designation, but not with the RES 2 DIR designation; and, despite a scrivener's error in the Staff Comments, the existing TR-1 zoning classification is not consistent with the RES 1 FLU designation. R-57. Pursuant to Section 62-1255, Brevard County Code, the requested RVP zoning classification is consistent with the requested CC FLU designation, subject to the requirements of Policy 2.10 of the Future Land Use Element of the Brevard County Comprehensive Plan. R-66 – R-67. Addendum Number 1 to the Staff Comments addresses Policy 2.10 of the Future Land Use Element of the Brevard County Comprehensive Plan, which provides:

[r]esidential development or the integration of residential development with commercial development shall be permitted in the Neighborhood Commercial and Community Commercial land use designations, provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly

limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. . . .

R-66 – R-67.

The Staff Comments applied the Administrative Policies in the Future Land Use Element of the Brevard County Comprehensive Plan to the requested rezoning. Administrative Policy #3 of the Future Land Use Element evaluates compatibility by looking at a number of factors of the requested rezoning, including, but not limited to:

A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The proposed RV park could be considered a higher-intensity residential use compared to the prevailing development pattern in the area. Although the presence of non-residential and corridor-oriented uses suggests the area is not strictly homogeneous, those uses (e.g., church, fire station, utilities) are generally lower intensity in terms of daily operational impacts compared to an RV park.

However, its compatibility may be influenced by factors such as location relative to major roadways, buffering, site design, and scale. Any proposed commercial use will be subject to compliance with all performance standards in Sections 62-2251 through 62-2272 during site plan review. . . .

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There are seven (7) FLU designations within a 0.5-mile radius of the subject property: Residential 1:2.5 (RES 1:2.5), Residential 1 (RES 1), Residential 2 (RES 2), Residential 2-Directive (Res 2-DIR), Community Commercial (CC), Neighborhood

Commercial (NC), and Public Conservation (PUB-CON). The predominant FLU designation in the area is RES 1. The predominant commercial FLU in the area is CC. There have been no FLU amendments within 0.5 miles of the subject property in the past three years.

The proposed use would be located in a transitional area with residential uses zoned TR-1, TR-2 and GU to the north. East is a church in IN(L) zoning. To the south is an agricultural area with AU and RR-1, and also commercial development with BU-1, BU-2, and IN(L) zoning along the North Courtenay Parkway corridor.

The area includes a mix of small-lot single-family residences and mobile homes, as well as larger residential and agricultural parcels, reflecting varying residential densities. Institutional uses, such as places of worship and public facilities, along with utility infrastructure and commercially designated properties, are present along nearby corridors, contributing to a more diverse land use pattern. Overall, the area does not exhibit a uniform character but instead reflects a blend of residential, institutional, and limited non-residential uses influenced by its proximity to major roadways.

(emphasis in original).

Administrative Policy #4 considers the “[c]haracter of a neighborhood or area . . . whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. . . .” When analyzing the applicable criteria, the Staff Comments found as follows:

A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The character of the surrounding area reflects a transitional pattern consisting of predominantly low-density residential development interspersed with institutional, utility, and limited commercial uses. The proposed use will introduce commercial activity not already present within the immediate area.

However, a preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The area has clearly established boundaries including roads and open spaces.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

Sporadic neighborhood commercial uses are present in the area along North Courtenay Parkway.

(emphasis in original).

The Staff Comments also considers environmental impacts of the proposed rezoning. Administrative Policy #6 provides that “[t]he use(s) proposed under the rezoning . . . must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.” Administrative Policy #7 provides that “[p]roposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.”

Approximately 2/3 of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

A portion of the subject parcel contains mapped hydric which are indicators that wetlands may be present on the property. A wetland assessment/delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. The wetland assessment/delineation shall be verified at time of site plan submittal.

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

Federally and/or state protected species may be present on the property. A portion of the property is located within a large area of mapped Florida Scrub Jay habitat / occupancy.

Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development. The applicant is encouraged to contact NRM prior to any plan or permit submittal or prior to performing any land clearing activities.

(emphasis in original). Other significant environmental issues were identified in the Staff Comments by the County's Natural Resources Management Department, which provided a summary issues followed by extended discussion. The summary is provided below along with portions of the extended discussion. R-63.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- *Coastal High Hazard Area (CHHA)*
- *Hydric Soils*
- *Floodplain Protection in North Merritt Island*
- *Indian River Lagoon Nitrogen Reduction Septic Overlay*
- *Protected and Specimen Trees*
- *Protected Species*

Coastal High Hazard Area

Approximately 2/3 of this property is located within the Coastal High Hazard Area (CHHA) as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. Objective 7 of the Coastal Management Element aims to limit densities within the coastal high hazard area and direct development outside of this area.

Hydric Soils

*A portion of the subject parcel contains mapped hydric soils (Wabasso sand, 0 to 2 percent slopes; Copeland-Bradenton-Wabasso complex, limestone substratum; and Bradenton fine sand, limestone substratum); indicators that wetlands may be present on the property. **A wetland assessment/delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.** The wetland assessment/delineation shall be verified at time of site plan submittal.*

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). N. Courtenay Parkway is an MQR at this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be

required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

Section 62-3694(c)(3)b also provides that for a project encompassing multiple properties assembled under one site plan development order, wetland impacts for those properties without direct frontage on the mitigation qualified roadway may be permitted only if the properties are combined so that any proposed wetland impact is contained within a property with direct frontage on the mitigation qualified roadway. The assemblage shall be deed restricted for commercial or industrial use.

Floodplain Protection in North Merritt Island

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

*Additionally, the parcel is located on North Merritt Island (NMI), north of Hall Road. Section 62-3724(4) contains additional criteria including compensatory storage and written certification from the engineer of record that there will be no adverse flooding impacts upon properties resulting from the proposed development. **The applicant is encouraged to contact NRM prior to any plan or permit submittal or prior to performing any land clearing activities.***

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Protected and Specimen Trees

Protected and Specimen trees may exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements and buffer requirements. . . .

(emphasis in original).

At the County Commission's Zoning meeting on July 9, 2026, the County Commission heard from Attorney Kim Rezanka, legal counsel for the Applicant, members of the public, and Brevard County staff. In addition, the County received public comment opposing the rezoning request. Transcript-4 – Transcript-6.

Attorney Rezanka outlined the requests from the Applicant, which included both a Future Land Use amendment and a rezoning request. Transcript-1. The Applicant purchased the Property from the School Board with the current zoning on the Property and is now seeking to put roughly one hundred-eighty (180) units on the Property. Transcript-2. Three members of the public spoke out against the item based on it being incompatible.

After the public hearing portion of the item was closed and the County Commission completed its discussion, Commissioner Goodson made a motion to deny the Applicant's companion request for a Small-Scale Comprehensive Plan Amendment from PUB and RES 1 to CC, which was seconded by Commissioner Feltner. The Board voted 3:1 to deny the requested Future Land Use amendment. Without the requested Future Land Use designation, the rezoning request is not permitted under the County's Comprehensive Plan; the RVP zoning classification is not consistent with the applicable Future Land Use designations. As a result, the Board voted unanimously to deny the requested rezoning.

FINDINGS OF FACT

The Board of County Commissioners finds:

1. The Property was combined under one deed on August 28, 2025, as recorded in the Brevard County Official Records at Book 10420, Page 1398. R-40; R-54.
2. The Property consists of 28.37 acres. R-53.
3. The Property is zoned GML(I) and TR-1. R-53. The Applicant has requested to rezone the Property to RVP. R-53.
4. The Applicant also requested an amendment to the Property's Future Land Use designations from RES 1, RES 2 DIR, and PUB to all CC. R-53; R-57.
5. The Applicant took possession of the Property with the existing Future Land Use designations and the existing zoning classifications already on the Property.
6. In order to grant a rezoning, the County Commission must ensure consistency with the applicable FLU designations and land development regulations. See, Section 62-1255, Brevard County Code.
7. Attorney Rezanka stated at the Zoning meeting, "[t]he Coastal High Hazard, Floodplain, and stormwater will be addressed at site plan stage, this is merely zoning." Transcript-3. Such a position is factually incorrect. While such factors are considered by County staff at the site plan stage, they also need to be considered by the County Commission at the time of a rezoning request based on the Administrative Policies of the Future Land Use Element of the Brevard County Comprehensive Plan. For example, the following Administrative Policies must be considered in this case relating to topics like stormwater impacts, coastal high hazard area impacts, and impacts to the floodplain:

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

R-4.

8. The Brevard County Comprehensive Plan has elements required by Chapter 163, Florida Statutes, that address issues relating to development, including, but not limited to, conservation, floodplains, wetlands, and coastal high hazard areas. The County Commission was presented with maps, including a FEMA flood zones map (R-17; R-64) and coastal high hazard area map (R-18; R-63). Significant portions of the Property are within the CHHA and Flood Zone AE. In addition, “[a] portion of the [Property] contains mapped hydric soils . . . ; indicators that wetlands may be present on the [P]roperty.” R-63.
9. Administrative Policy 6 of the Future Land Use Element of the Brevard County Comprehensive Plan requires that “[t]he use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element and transportation elements of the comprehensive plan.” R-4.
10. The majority of the subject property is located within the coastal high hazard area. R-18; R-61; R-63. This means that the majority of the subject property is below the elevation of a Category 1 storm surge elevation as defined by Chapter 163, Florida Statutes. R-63.
11. Objective 7 of the Coastal Management Element of the Brevard County Comprehensive Plan seeks to “[l]imit densities within the coastal high hazard area and direct development outside of [such] area.” R-54; R-60; R-63; R-66; R-116.
12. Administrative Policy 7 of the Future Land Use Element of the Brevard County Comprehensive Plan provides that “[p]roposed uses shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.” R-22.

13. The requested RVP zoning classification is compatible with the CC FLU designation, but only to the extent that it complies with Policy 2.10 of the Future Land Use Element of the Brevard County Comprehensive Plan. R-66; Section 62-1255, Brevard County Code. Policy 2.10 provides that “[r]esidential development or the integration of residential development with commercial development shall be permitted in the . . . Community Commercial land use designation[], provided that the scale and intensity of the residential/mixed use development is compatible with abutting residential development and areas designated for residential use on the Future Land Use Map. Residential development is permissible in these commercial land use designations at density of up to one category higher than the closest residentially designated area on the Future Land Use Map (FLUM) which is on the same side of the street. Increases in density beyond this allowance may be considered through a public hearing. In the CHHA, however, residential development is strictly limited to the density of the closest residentially designated area on the FLUM that is on the same side of the street. . . .”
14. In this case, the closest residentially designated property to the Property is RES 1, or one unit per acre. R-12. No density step-up can be granted in portions of the Property that fall within the CHHA.
15. Section 62-1406(6)b., Brevard County Code, establishes the density of units on a recreational vehicle park: “*Density*. The density of recreational vehicle parks located within lands designated neighborhood commercial or community commercial on the Future Land Use Map (FLUM) shall not exceed a maximum density of ten recreational vehicle sites or lots per acre. . . .” When combined with Policy 2.10, only one recreational vehicle site or lot per acre is permitted in the areas of the Property located within the CHHA.
16. Without the requested Future Land Use designation, which had already been denied by the time the rezoning was brought before the County Commission, the rezoning request cannot be granted because the RVP zoning classification is not consistent with the Property’s existing Future Land Use designations. Pursuant to Section 62-1255, Brevard County Code, the RVP zoning classification is not compatible with the PUB FLU designation, which blankets virtually the entire Property.
17. The County Commission denied the requested Future Land Use amendment. As a result, the RVP zoning classification would have been inconsistent with the Future Land Use designation on the Property.

CONCLUSION

Based on the foregoing, the Board of County Commissioners hereby finds the proposed rezoning from GML(I) and TR-1 to RVP fails to meet the requirements of the Future Land Use Element, including, but not limited to, Administrative Policies 6 and 7, and the Coastal Management Element of the Brevard County Comprehensive Plan. Furthermore, because the Future Land Use designation was denied by the County Commission, the requested rezoning of RVP would be inconsistent with the PUB Future Land Use Designation, which blankets the vast majority of the Property. The County Commission is unable to grant a rezoning request when it is not consistent with the Future Land Use designation. Accordingly, the requested rezoning to RVP is denied.

DONE AND RESOLVED this ____ day of August, 2026.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Rachel Sadoff, Clerk

Thad Altman, Chair
As approved by the Board on: 8/6/26